

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CIVIL ACTION NO.: 5:20-cv-00004-D

RICHARD L. JOHNSON,)
vs.)
Plaintiff,)
vs.)
GERALD BAKER, SHERIFF OF)
WAKE COUNTY, in his official capacity,)
vs.)
Defendant.)
)

**DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

Defendant Gerald Baker, in his official capacity as Sheriff of Wake County, (“Baker” or “Defendant”), by and through his undersigned counsel and, pursuant to Local Rules 7.1, 7.2 and 56.1 and Rule 56 of the Federal Rules of Civil Procedure, requests the entry of Summary Judgment in favor of Baker as to the sole claim asserted by Plaintiff in this action – a claim for Title VII retaliation.

As explained more fully in the Local Rule 56.1 Statement of Material Facts and Appendix thereto, and Defendant’s Memorandum of Law in Support of Defendant’s Motion for Summary Judgment filed simultaneously herewith, Baker is entitled to Summary Judgment on Plaintiff’s claims because the pleadings, discovery materials, and other evidence of record demonstrate:

- Plaintiff did not engage in Protected Activity as a Matter of Law;
- There is no Causal Connection between any Alleged Protected Activity and Baker’s Decision not to Re-swear Plaintiff;

- Baker had Legitimate, Non-Retalatory Reasons not to offer Plaintiff the opportunity to be sworn; and
- There is no evidence of Pretext.

As such, Defendant Baker requests that Defendant's Motion for Summary Judgment be granted, and that judgment be entered in favor of Baker and against Plaintiff, as a matter of law.

WHEREFORE, for the reasons set forth above as well as the attachments and Memorandum filed contemporaneously herewith, Defendant respectfully requests that its Motion for Summary Judgment be GRANTED, and Plaintiff's claims against him be dismissed entirely with prejudice, as a matter of law, and for such other and further relief as the Court deems just and proper.

Respectfully submitted this the 15th day June, 2021.

JACKSON LEWIS P.C.

By: /s/ M. Robin Davis
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**CERTIFICATE OF
SERVICE**

The undersigned certifies that on June 15, 2021, the foregoing *Defendant's Motion for Summary Judgment* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system, which will send notification of such filing as follows:

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